

Article 16 | Definitions

Sec. 16.1 Word Usage

For the purpose of this Ordinance, certain terms are defined as indicated in this section. These definitions and all other provisions of this Ordinance are subject to the following rules of interpretation:

- A. The present tense includes the past and future tenses and the future tense includes the present, unless stated otherwise.
- B. The singular number includes the plural number and vice-versa.
- C. The word "shall" is mandatory.
- D. The word "building" includes the word "structure."
- E. Any term not herein defined shall be as defined elsewhere in the County or City Code or, if not defined elsewhere in the County or City Code, as defined in Webster's New International Dictionary, most recent edition, unless the result does not effectuate the intent of the governing bodies, leads to absurd or illogical results, or is inconsistent with the surrounding textual context.
- F. The time within which any act required by this Ordinance is to be performed shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the State of North Carolina, in which event it shall also be excluded.
- G. The word "person" or "applicant" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.
- H. In case of any difference of meaning or implication between the text of this Code and any caption, illustration or table, the text shall control.

Sec. 16.2 Abbreviations

- BFE:** Base Flood Elevation
BMP: Best Management Practices
BOA: Board of Adjustment
CC: Commercial Center
CD: Compact Design
CD-C: Compact Design - Core
CD-P: Compact Design – Pedestrian Business
CD-S1: Compact Design – Support 1
CD-S2: Compact Design –Support 2
CG: General Commercial
CI: Commercial Infill
CLOMR: Conditional Letter of Map Revision
CN: Neighborhood Commercial
dbh: Diameter at breast height
DD: Downtown Design
DD-C: Downtown Design – Core
DD-S1: Downtown Design – Support 1
DD-S2: Downtown Design – Support 2
DENR: North Carolina Department of Environment and Natural Resources
DOST: Durham Open Space and Trails Commission
DWR or Division: North Carolina Division of Water Resources
FAR: Floor Area Ratio
Fc: Foot-candles
FEMA: Federal Emergency Management Agency
FIRM: Flood Insurance Rate Map
FIS: Flood Insurance Study
GIS: Geographic Information System
(-H): Historic District Overlay
HAG: Highest Adjacent Grade
HPC: Historic Preservation Commission
HQW: High Quality Water
I: Industrial
IL: Light Industrial
IP: Industrial Park
JCCPC: Joint City-County Planning Committee
L: Permitted Subject to Limitations
LAG: Lowest Adjacent Grade

LOMR: Letter of Map Revision

m or M: Minor or Major Special Use Permit, respectively

MU: Mixed Use

NCDOT: North Carolina Department of Transportation

NCGS: North Carolina General Statute

NRCS: Natural Resource Conservation Service

NFIP: National Flood Insurance Program

NGVD: National Geodetic Vertical Datum

OI: Office Institutional

P: Permitted Use

PDR: Planned Density Residential

RC: Residential Compact

ROW: Right-of-way

RR: Residential Rural

RS: Residential Suburban

RU: Residential Urban

SARA: Superfund Amendments and Reauthorization Act

SFHA: Special Flood Hazard Area

SRP: Science Research Park

SUP: Special Use Permit

TDM: Transportation Demand Management

TIA: Traffic Impact Analysis

TUA: Transitional Use Areas

UC: University and College

UDO: Unified Development Ordinance

USDA: United States Department of Agriculture

USGS: United States Geologic Survey

WSE: Water Surface Elevation

(-A60, -A65): Airport Overlay

(-MTC): Major Transportation Corridor Overlay

(-P): Neighborhood Protection Overlay

(-TO): Transitional Office Overlay

Sec. 16.3 Defined Terms

Accelerated Erosion: Any increase over the rate of natural erosion as a result of land-disturbing activity.

Accessory Dwelling Unit: A dwelling that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate in size to the principal dwelling.

Accessory Use or Structure: A use or structure that exists on the same lot with the principal use or structure and is subordinate in size and purpose to the principal use.

Act of God: An event, such as an earthquake or hurricane, that is caused by natural forces and cannot be prevented or foreseen.

Active Recreation: Leisure activities usually of an organized nature, often performed with others and often requiring equipment, taking place at prescribed places, sites, or fields.

Addition (to an existing building): An extension or increase in the floor area or height of a building or structure

Adequate Erosion Control Measure, Structure or Device: means one which controls the soil material within the land area under responsible control of the person conducting the land disturbing activity.

Adjacent: Property abutting directly on the boundary of, touching, or sharing a common point.

Adopted Land Use Plans: Any land use plan adopted by a governing body including, specifically, the Comprehensive Plan.

Adult Establishment: A business as defined in North Carolina General Statute (NCGS) §14-202.10(2). This definition includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses or massage businesses. These uses are further defined in NCGS §14-202.10 and the definitions are adopted by reference; however, those massage businesses where all employees associated with massage meet the ethical and educational requirements specified by the American Massage Therapy Association, or equivalent national or state standards, are exempt from this definition.

Interpretation: Massage businesses meeting these educational and ethical standards may be classified as "Offices" in the Permitted Use chart.

Affiliate: A person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another person.

Affordable Housing Dwelling Unit: A dwelling unit committed for a minimum 15-year term as affordable, through covenants or restrictions, to households with incomes at 60% or less of the area median income for a family, as defined by the United States Department of Housing and Urban Development, for the jurisdiction; and where housing costs (rent or mortgage) do not exceed 30% of a family's income.

Afforestation: The act of establishing forest cover.

Agency: A sales or service establishment dealing in services or intangible commodities, or commodities not on site, such as a broker's office, travel agency, temporary employee agency, etc.

Agricultural Uses: Land used as pasture or in the commercial production of crops, forestry, horticultural products, fish hatcheries or aquaculture, and the keeping of livestock for commercial or noncommercial purposes. Also included in this definition of agricultural uses are agricultural

accessory buildings and sales of farm products grown or produced on the premises. This definition does not include any use conducted pursuant to a valid permit issued under Sec. 3.23, Limited Agriculture Permit, the commercial slaughtering of animals for marketing, and farm tenant dwellings.

Airport: A place where aircraft can takeoff and land, be repaired, take on or discharge passengers or cargo, be stored or refueled.

Alley: A strip of land, typically no more than 20 feet in width, either publicly or privately owned, that is set aside primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Alternative Form of Compliance: A form of compliance that equals or exceeds an applicable standard and is subject to approval as defined in the Unified Development Ordinance.

Antenna: Any apparatus designed for the transmitting and/or receiving of electromagnetic waves to include but is not limited to telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

Antenna Array: A single or group of antenna(s) and their associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna, Combined: An antenna or an array of antennas designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

Antenna-Supporting Structure: A vertical projection composed of metal or other substance with or without a foundation that is for the express purpose of accommodating antennas at a desired height above grade. Antenna-supporting structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet. A wireless support structure is defined separately within this section.

Anti-Climbing Device: A piece or pieces of equipment which are either attached to antenna supporting structure, or which are free-standing and are designed to prevent people from climbing the structure. These devices can include but are not limited to fine mesh wrap around structure legs, "squirrel-cones," the removal of climbing pegs on monopole structures, or other approved devices, but excluding the use of barbed or razor wire.

Appeal: Request for review of a final order, interpretation or decision by any administrative official authorized to make such decision.

Apiculture: The maintenance of honey bee colonies.

Area of Shallow Flooding: A designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, where a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

Articulation: An emphasis given to architectural elements (including windows, balconies, porches, entries, etc.) to create a complementary rhythm or pattern; modulation of building facades, massing and detail to create variety.

Bar: See "Nightclub"

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year based on current conditions hydrology.

Base Flood Elevation (BFE): The water surface elevations for the Base Flood as published in the Flood Insurance Study. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Regulatory Flood Protection Elevation in Special Flood Hazard Areas.

Base Station: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communication network. The term does not encompass a wireless support structure as defined in this section or any equipment associated with a tower.

Basement: The lowest level or story which has its floor sub-grade on at least three sides.

Bed and Breakfast Inn: A building or group of buildings containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.

Being Conducted: A land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

Best Management Practice or BMP: Stormwater and runoff pollution control practices designed to reduce the amount of flow or pollutants contained in discharges to the stormwater conveyance system and receiving waters.

Block: A usually rectangular space enclosed by streets and occupied by or intended for buildings.

Block Face: One side of a street between two consecutive intersecting streets.

Boarding House: A building, other than a hotel, rooming house, or bed and breakfast inn, containing at least four, but not more than nine guest rooms. At least one meal is provided to guests. Individual guest rooms shall not contain kitchens.

Borrow: Fill material which is required for on-site construction and is obtained from other locations.

Brewery: A brewery that produces 15,000 or more US beer barrels (460,000 US gallons) per year.

Broadcast Antennae, TV/HDTV/AM/FM Broadcast Facility: Broadcast antenna-supporting structures and/or towers, including replacements, which contain antennae/towers that transmit signals for television and radio communications.

Buffer: A portion of property designated to mitigate impacts between land uses or transportation routes, or to protect water features from pollutants.

Buffer Zone: The strip of land adjacent to a lake or natural watercourse.

Build-To Line: The line a set distance from the back of curb establishing the required building location. Build-to lines shall be measured from the predominant curbline (not including bulb outs) or future curbline where no curb currently exists.

Build-To, Percent of Frontage: The percent of the principal structure's frontage that shall be constructed to a fixed line designed to pull structures forward on a lot. The required minimum build-to is set out as a percentage of the frontage.

Building: As defined in the North Carolina Building Code, as amended, or the North Carolina Residential Code for One and Two-Family Dwellings, as amended, as applicable.

Building Articulation: See Articulation.

Building Base: The portion of the building and building facade at the ground level and any exposed foundation wall, including retaining walls, visible at grade.

Building Bay: Vertical divisions of the exterior facade, as marked by architectural features such as: columns, pilasters, groups of windows, or other architectural elements.

Building Coverage: The horizontal area within the outside of the exterior walls of the ground floor of all principal and accessory buildings. Building coverage is set forth as a percentage of the total lot area.

Building Elevation: One of the exterior vertical faces of a building.

Building Envelope: The area between all required setbacks within which a structure can be located.

Building Front: The side of the building closest to and most nearly parallel with the street which provides access to the lot. In the case of a corner lot or through lot, either side abutting a street may be considered to be the front, provided the building is situated so that it meets all front, side and rear yard requirements.

Building Height: The vertical distance from the average of the finished ground level to the finished roof surface of a flat roof, or to the point at the average height of a roof having a pitch, except for a mansard roof, to the highest finished surface. Height for any building with multiple roof levels shall be determined by the highest roof level.

Building Line: The edge of a building closest to the street.

Building, Main: A building which contains the principal use. In a residential district, any dwelling shall be deemed to be a main building on the lot which it is situated.

Building Permit: A permit issued by the Inspections Department in conformance with the State Building Code.

Building Podium: See Podium.

Building Separation: The required separation between any two buildings located on the same lot or parcel of land.

Bulk Storage: Storage material in containers or tanks for sale to retail dealers, distributors, or outlets or for storage prior to disposal.

Caliper: The diameter of plant material, measured at 6 inches above grade for calipers of up to four inches, and 12 inches above grade for larger calipers.

Canopy: A roof-like cover extending over an outdoor area for the purpose of sheltering individuals or equipment from the weather.

Cardinal Direction: One of the four principal compass points: north, south, east, or west.

Cemetery: A place used or to be used and dedicated or designated for interment of human remains or pet animal remains.

Certificate of Compliance: A statement, signed by an administrative officer, setting forth that a building, structure, or use complies with this Ordinance and Building Codes and that the same may be used for the purposes stated on the permit.

Changeable Copy: The characters, letters, or illustrations of a sign that change, either manually or electronically, without altering the sign.

Chemical Storage Facility: means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Chicken: Poultry or fowl of the species *Gallus gallus/G. gallus domesticus*. The species includes many different breeds of chicken.

Chicken Coop: A structure for the sheltering of chickens. An existing shed or garage can be used for this purpose under paragraph 5.4.12B, Domestic Chickens, if it meets the standards contained in paragraph 5.4.12B.7, Construction and Design. A chicken coop is an accessory structure under Sec. 5.4, Accessory Uses and Structures.

Chicken Pen: An enclosure that is connected to and/or surrounding a chicken coop for the purpose of allowing chickens to leave the coop while remaining in an enclosed predator-safe environment.

Clear-cut: To remove all trees within a given area.

Clerestory Window: A window set in a roof structure or high in a wall (above eye-level), typically used for daylighting.

Clinic: Establishments where humans receive treatment of illnesses or pregnancy, or examinations by a doctor, dentist, optician, psychologist, or other similar medical professional on an out-patient basis.

Club or Lodge: A building or site used by a non-profit membership organization for recreational or social purposes.

Cluster Development: A residential subdivision that concentrates development on a portion of a site, leaving the remainder in open space. Cluster developments achieve the land use intensity objectives by virtue of limits to overall density rather than minimum lot sizes.

Collector Street: A local street which serves as a connector street between local residential streets, commercial development and the thoroughfare system; such streets typically collect traffic from 250 to 400 dwelling units.

Collocation: The placement or installation of wireless facilities on existing structures including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

Columbarium: A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

Commercial Dormitory: A structure specifically designed for a long term stay by students of a college, university, or non-profit organization for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.

Commercial Speech: Any expression related solely to the economic interests of the speaker and its audience, or as otherwise defined by a court of competent jurisdiction.

Committed Elements: See Elements, Commitments.

Commitments: Elements submitted as part of a development plan associated with a zoning map change, which are binding and establish the level of development allowed absent further zoning action except as otherwise allowed or required under this Ordinance. Formerly known as "committed elements."

Common Signage Plan: A plan delineating unifying characteristics for signs associated with a development project or complex.

Completion of Construction or Development: No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

Comprehensive Plan: The overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services.

Conditional Letter of Map Revision (CLOMR): A formal review and comment issued by the Federal Emergency Management Agency as to whether a proposed project complies with the minimum NFIP floodplain management criteria, and direction on revisions that will need to be made to the NFIP maps and/or study upon completion of the project.

Condominium: A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by all the inhabitants on a proportional basis.

Congregate Living Facility: A residential use which undertakes, for a period exceeding 24 hours, care, housing, food service and one or more personal services for persons not related to the owner or administrator.

Contractors: Individuals or firms engaged in the construction of buildings, either residences or commercial structures, as well as activities such as paving, highway construction, and utility construction.

Convalescent Center or Nursing House: A facility that provides nursing services and custodial care on a 24 hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age require such services.

Convenience-Oriented Use: An establishment that provides frequently or recurrently needed items for household use.

Convenience Store: A retail store with a floor area of less than 5,000 square feet that sells groceries and may also sell gasoline but not including vehicle service stations (limited or full).

Corner Tower Element: A corner tower element is an accentuated vertical element located on a building corner at a street intersection allowed to be taller than the rest of the building.

Correctional Facilities: Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Crop: Cultivated plants or agricultural produce, such as but not limited to grain, vegetables, or fruit.

Cul-de-sac: A short street having only one end open to traffic and the other being permanently terminated with a vehicular turn-around provided.

Current Conditions Hydrology: The flood discharges associated with the land-use conditions existing within the drainage area of a watercourse at the time a flood study of the watercourse was

conducted. Current conditions flood discharges and historical flood study information are published in the Flood Insurance Study.

Date of Approval: The date of approving authority action.

Day Care Facility: A place that provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. A daycare home, preschools integrated into the curriculum of a public or private school or not regulated by the State as a daycare facility, and retail drop-in/short-term childcare centers shall not be considered daycare facilities.

Day Care Home: A dwelling in which a permanent occupant provides for the care of no more than five preschool children (including the caregiver's children) and/or three school-aged children (not including the caregiver's children) or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Those receiving care and not dependents of the occupant, do not reside on the site. For the purpose of this Ordinance, such activities shall meet all requirements for home occupations.

Day Treatment Facility: A facility licensed through the NC Department of Health and Human Services, Division of Medical Assistance, which provides supplemental therapeutic or clinical services coordinated with academic and/or vocational services for adults, children, or adolescents with mental health or substance abuse treatment needs, and their families. No overnight accommodations are provided.

Dedication: The transfer without payment of ownership or other interest in real property from a private entity to a public agency.

Density: The number of dwelling units per net developable acre, except in the case of conservation subdivisions, where gross area shall be used in accordance with paragraph 6.2.4 Conservation Subdivision.

Dedication: The transfer without payment of ownership or other interest in real property from a private entity to a public agency.

Design District: Any zoning district or overlay district within which architectural design elements are required.

Developer:

- A. The person, firm, corporation or legal entity that has financial or operational control over the land-disturbing activity; or
- B. The person, firm, corporation or legal entity in possession or control of the land when he/she directly or indirectly allowed the land-disturbing activity, has benefited from it, or has failed to comply with any provision of this Ordinance.

Development: Any human caused change to improved or unimproved real estate that requires a permit or approval from any agency of the City or County of Durham, including but not limited to, constructing or changing buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations and storage of equipment or materials.

Development Plan: A type of plan that becomes part of the zoning of a property that establishes the level of development allowed absent further zoning action except as otherwise allowed or required under this Ordinance.

Diameter at Breast Height (dbh): The diameter of a tree measured four and one-half feet above the ground.

Diet House or Diet Facility: A facility housing a dietary treatment program supervised by trained professionals which can also contain temporary living quarters for clients.

Discharge Point: That point at which runoff leaves a tract of land.

Disposal: When used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, is defined as in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Distance Learning Center: An educational facility where teaching and learning is specifically designed to be carried out remotely, typically by using electronic communication.

Drive-Through Facility: An establishment that dispenses products or services to patrons who remain in vehicles. Fuel sales are not included.

Driveway: A private roadway located on a parcel or lot used for vehicle access.

Drop-In/Short-Term Childcare Centers: Retail businesses that provide care for individuals on an hourly basis, do not offer enrollment, and do not require daycare licensing by the State.

Durham Inventory, Natural Inventory, or Inventory: The Durham County Inventory of Important Natural Areas, Plants and Wildlife, which in the case of a conflict may be superseded or supplemented by more current information from the North Carolina Heritage Program as determined by the Planning Director. The Durham Inventory does not include the Durham Architectural and Historic Inventory; the Durham County Archaeological Inventory; the Durham County Inventory of Cultural and Natural Resources; or the Durham County and Durham ETA Inventories of Historic Sites, which are referenced separately in the Ordinance.

Dwelling Unit: A room or group of rooms in a structure that serves as an independent, self-contained housekeeping establishment containing independent cooking, sleeping, and toilet facilities, physically separated from any other such units located within the same structure. Excluded from this definition are boarding houses, hotels, and dormitories.

Easement: A grant by a property owner for use by the public, a corporation or persons of an area of land for specific purposes.

Electronic Gaming Operation: Any for-profit business or enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including but not limited to sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Such businesses or enterprises have as a part of its operation the running of one or more games or processes with any of the following characteristics: (1) payment, directly or as an intended addition to the purchase of a product, whereby the customer receives one or more electronic sweepstakes tickets, cards, tokens, or similar items entitling or

empowering the customer to enter a sweepstakes, and without which item the customer would be unable to enter the sweepstakes; or, (2) payment, directly or as an intended addition to the purchase of a product, whereby the customer can request a no purchase necessary free entry of one or more sweepstakes tickets or other item entitling the customer to enter a sweepstakes. The term electronic gaming operations includes, but is not limited to, cyber-gambling establishments, internet sweepstakes, video sweepstakes, or cybercafés, which have a finite pool of winners. This does not include any lottery endorsed or permitted by the State of North Carolina.

Elevated Building: A non-basement building: (a) built in a Special Flood Hazard Area to have the top of the elevated floor, above the ground by means of pilings, columns (posts or piers), shear walls parallel to the flow of water or adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood; or (b) elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Eligible Facility Request: A request for modification of an existing tower or base station that involves collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment but does not include a “substantial change” of the facility pursuant to the qualifications detailed in the *FCC Report and Order FCC14-153*, or as amended; and complies with all applicable building, structural, electrical, and safety codes and with all other laws codifying objective standards reasonably related to health and safety.

Encroachment: When used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Energy Dissipater: A structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

Engineered Stormwater Control: A structural BMP used to reduce pollution or peak flow rates to downstream properties and receiving waters in order to achieve water quality or water quantity control.

Erosion: The wearing away of land surface by the action of wind, water, gravity or any combination thereof.

Erosion Control Plan: A plan designed to control both erosion and sedimentation.

Existing Conditions: Conditions that exist at time of plan or plat submittal.

Existing Manufactured Home Park or Manufactured Home Subdivision: When used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original adoption of flood damage protection ordinances which occurred in the City of Durham on October 18, 1971 and in Durham County on August 21, 1972.

Extended Stay Residence: An establishment containing 10 or more guest rooms that contain kitchen facilities or other home-like amenities not ordinarily provided in hotels or motels, for overnight guests staying five or more consecutive nights, and providing on-site registration and management.

Family: One or more individuals residing in a dwelling unit, living as a single housekeeping unit, and complying with the following rules:

- A. Any number of individuals related by blood, marriage, or adoption may occupy a dwelling unit;
- B. Where some or all of the occupants are unrelated by blood, marriage, or adoption, the total number of occupants that are unrelated, shall not exceed three. In applying this provision, children who are under the age of 23 and who are children of the owner or a person renting an entire dwelling unit from the owner shall be counted as a single occupant. In addition, in all cases, the limitation set out in subsection C. below shall apply.
- C. The presence of household employees or children in foster care shall not disqualify any premises otherwise satisfying the above rules.

Family Care Home: A residential facility as defined in NCGS § 168-21.

Farm: See: "Agricultural Uses"

Farm Products: Includes, but is not limited to, fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat and milk), and seafood.

Farmers' Market: A market open to the public where all products sold are farm products, value-added farm products, or a food or beverage product, and where the booths are operated by producers.

Feed Lines: Cables used as the interconnecting media between a transmission/receiving base station and an antenna.

Fenestration: The design and arrangement of windows and other exterior glazed openings of a building.

Final Plat: The final map of all or a portion of a subdivision which is presented for final approval.

Firing Range: A property prepared, equipped and delineated for the purpose of shooting at targets by rifles [*excluding air rifles*], pistols, shot guns or archery. Excluded from this definition are residential sites and properties with hunting leases.

Flex Space: Buildings designed and marketed as multipurpose facilities with at least 10,000 square feet of leasable space providing opportunities for a mix of office, showroom, distribution, and/or laboratory space. Facilities tend to be single-story.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; and/or,
2. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance: The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard, the Future Conditions Flood Hazard Areas and the risk premium zones.

Flood Insurance Study (FIS): A report that includes an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMS.)

Flood Zone: A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain (or Flood Prone Area): Any land area susceptible to being inundated by water from any source.

Floodplain Administrator: The individual appointed to administer and enforce the floodplain management regulations. The Inspections Director or designee serves as the Floodplain Administrator pursuant to paragraph 3.21.2, Floodplain Administrator.

Floodplain Development Permit: means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

Floodplain Management: means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations: means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway Fringe: The portion of the Special Flood Hazard Area that is outside of the Floodway.

Floor Area: Area of enclosed (i.e. roofed and walled) built space, excluding any unfinished area used exclusively for storage or mechanical elements.

Floor Area Ratio (FAR): The ratio of building area to parcel area. Floor area ratio is a measure of nonresidential land use intensity.

Forestry: The act of growing trees, harvesting timber or replanting trees in accordance with a management plan endorsed by the NC Division of Forest Resources.

Freeboard: The height added to the Base Flood Elevation (BFE) or the future conditions flood elevation to account for watershed development as well as limitations of the engineering methodologies for the determination of flood elevations. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation."

Freeway: A multi-lane, controlled or limited access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large traffic volumes at high speeds. Such facilities may be part of the Interstate, Federal, or State primary highway system and are identified on the adopted Thoroughfare Plan.

Frontage: The dimension of a property that is adjacent to a street.

Future Conditions Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year based on future conditions hydrology.

Future Conditions Flood Elevation: A determination of the water surface elevations of the one percent (1%) annual chance flood based on future conditions hydrology as published in the Flood Insurance Study. This elevation, when combined with the freeboard, establishes the "Regulatory Flood Protection Elevation" in Future Conditions Flood Hazard Areas.

Future Conditions Flood Hazard Area: The land area that would be inundated by the one percent (1%) annual chance flood based on future conditions hydrology as determined in paragraph 8.4.2, Applicability, of this ordinance.

Future Conditions Hydrology: The flood discharges associated with projected land-use conditions based on Durham City's and County's zoning maps or comprehensive land-use plans and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway such as bridge and culvert construction, fill, and excavation. Future conditions flood discharges are published in the Flood Insurance Study.

Geographic Search Area: An area designated by a wireless provider or operator for a new base station facility, produced in accordance with generally accepted principles of wireless engineering.

Glazing: The portion of the building facade or external materials which are composed of glass. Glazing is used in transparency calculations and includes the glass used in the doors and windows of the building.

Golf Course: An area laid out for playing golf, which can include some or all of the following accessory facilities: clubhouses, putting greens, swimming and tennis facilities, concessions for food and supplies. Driving ranges can also be included, unless specifically excluded by provisions of this Ordinance. This definition does not include Par 3 or miniature golf.

Grandfathering: An exemption based on previously existing circumstances.

Green Roof: A vegetated roof treatment that has a layer of soil and a drainage system and is planted with vegetation.

Gross Vehicle Weight (GVW): The weight of a vehicle and its equipment with a full tank of fuel, a full maximum load of cargo, and passengers.

Ground Cover: Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

Group Home: A dwelling that provides room and board for more than six, but less than 13 individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. Additional requirements may be imposed by the North Carolina Building Code.

Guest Room: A room or suite used as living accommodations for one or more paying visitors.

Guyed: A style of antenna-supporting structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guy wires that are connected to anchors placed in the ground or on a building.

Handoff Candidate: A wireless facility that receives call transference from another particular wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Hazardous Material: Materials, or mixtures containing those materials, which pose a physical, environmental or health hazard by virtue of their carcinogenic, corrosive, highly toxic, irritant, sensitizing or toxic properties as defined in 29 CFR 1910.1200. Included in this definition are materials included in EPA's most recent Priority Pollutants List and substances which are regulated, or caused to be regulated, under provisions of the Resource Conservation and Recovery Act (RCRA); the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA); the Superfund Amendments and Reauthorization Act (SARA); or any subsequent amendments of these Acts. Hazardous materials shall include hazardous wastes, which are the byproducts resulting from the use of hazardous materials, materials which have been used to clean up spills of hazardous materials, and hazardous materials which have reached their shelf-life or have been used or contaminated. Also included in this definition are hazardous wastes regulated, or caused to be regulated by the Resource Conservation and Recovery Act (40 CFR 261, Subpart C and Subpart B).

Hazardous Waste Facility: means, as defined in NCGS Article 9 of Chapter 130A, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Heavy Equipment: Vehicles such as buses, tow trucks, furniture trucks, fuel trucks, refrigerated trucks, dump trucks, or cement mixers; vehicles with a Class of 7 or above that would typically have a Gross Vehicle Weight (GVW) of at least 13 tons, or any construction equipment, or, within City limits, any farm equipment (except in the RS-20 or RR districts).

Heliport: An area of land, water, or structural surface designed, used, or intended to be used for landing or takeoff of passengers or cargo from or by helicopters, plus accessory buildings and uses.

Helistop: An area of land, water, or structural surface designed, used, or intended to be used for landing or takeoff of passengers or cargo from or by helicopters, without any appurtenant area, facility, structure or building designed, used, or intended for use in the operation or maintenance of the helistop or in the service or maintenance of helicopters.

High Density Option: One of two approaches available for development in Watershed Protection Overlays. The high density option relies on impervious surface limits and engineered stormwater controls to minimize risk of water pollution.

High Quality Water (HQW) Zones: Areas in the coastal counties that are within 575 feet of high quality waters and, for the remainder of the state, areas that are within one mile and drain to HQWs.

High Quality Waters: Those classified as such in Title 15A NCAC 2B.0101(e)(5) general procedures, which is incorporated herein by reference to include further amendments pursuant to NCGS § 150b-14(c).

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction next to the proposed walls of the structure.

Historic Structure: Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or (d) certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program." Certified Local Government

(CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Home Occupation: Any occupation conducted by the inhabitants of the dwelling, which is secondary to the main use as a dwelling, and causes no change in the exterior of the dwelling.

Hospital: An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.

Hotel or Motel: An establishment containing 10 or more guest rooms, for short term guests, and containing registration facilities, on-site management, cleaning services and combined utilities, except for an Extended Stay Residence or Facility.

Impervious Surfaces: A surface composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious surfaces shall include but are not limited to roofs, solid decks, driveways, patios, sidewalks, parking areas, tennis courts, concrete or asphalt streets, or compacted gravel surfaces. Wooden slatted decks and the water area of swimming pools shall be considered to be pervious. Calculation of impervious surfaces for streets shall include the area compacted for pavement or gravel base.

Independent Living Facility: A facility consisting of a single building or group of buildings with one ownership and management in which the residents are persons at least 55 years of age, their spouses, and/or their surviving spouses, and with or without an on-site resident manager. Residents live in their own dwelling units. The facility maintains a common dining room and typically provides personal services such as transportation, banking, and/or a barber shop/hair salon; recreational activities and amenities; concierge services; and housekeeping for residents and their guests. Health maintenance services and/or treatment are not provided.

Initial Zoning Map Change: A zoning map change that establishes the City's zoning authority over newly annexed territory, per NC General Statute 160A-360(f), or establishes the County's zoning authority over newly relinquished territory, per NC General Statute 160A-360(f1).

Intermodulation Distortion: The preventable and avoidable results of the mixture of two certain and specific radio frequencies (3rd Order); or more certain or specific radio frequencies (5th Order), that creates at least one other unwanted, undesirable, and interfering radio frequency (3rd Order), or multiple other unwanted, undesirable, and interfering radio frequency signals (5th Order).

Internal Campus: All areas within the UC and UC-2 Districts that are not included within a transitional use area.

Inventory: See Durham Inventory.

Junk Vehicle: A vehicle which does not lawfully display a current license plate and which is partially dismantled or wrecked, or cannot operate under its own power.

Junk Yard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste, or for operation and maintenance of a place of business for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor parts.

Kennel: An establishment engaged in boarding, breeding, buying, selling, grooming or training of pet animals.

Laboratory: A place where scientific studies are conducted, including testing, research, or analysis of a medical, chemical, physical, biological, mechanical, or electronic nature.

Lake or Natural Watercourse: Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

Land Disturbing Activity: Any use of land by any person in residential, industrial, educational, institutional or commercial development, and in highway and road construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. This includes borrow and waste disposal activity not regulated by the provisions of the Mining Act of 1971 or the Department of Health and Human Resources, Division of Health Services. Land disturbing activities over which the State has exclusive regulatory jurisdiction as provided in NCGS § 74-46 through 74-68, or NCGS § 113A-56 (a) shall not be included in this definition.

Landfill, Demolition: A facility for disposing of stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

Landfill, Sanitary: A facility where waste material and refuse is placed in the ground in layers and covered with earth or some other suitable material each work day.

Lattice: A tapered style of antenna-supporting structure that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed strips or bars to support antennas.

Letter of Map Amendment (LOMA): An official determination by FEMA that a property has been inadvertently included in a Special Flood Hazard Area as shown on an effective FIRM and is not subject to inundation by the one percent annual chance flood. Generally, the property is located on natural high ground at or above the BFE or on fill placed prior to the effective date of the first NFIP map designating the property as within a Special Flood Hazard Area. Limitations of map scale and development of topographic data more accurately reflecting the existing ground elevation at the time the maps were prepared are the two most common bases for LOMA requests.

Letter of Map Change (LOMC): A term used to inclusively define a FEMA issued letter related to a Flood Insurance Rate Map or Flood Hazard Boundary Map using one or more of the following processes: Letter of Map Amendment, Letter of Map Revision, as well as conditional Letter of Map Amendment and conditional Letter of Map Revision.

Letter of Map Revision (LOMR): A letter issued by the Federal Emergency Management Agency that confirms amendment of a special flood hard area boundary.

Level of Service: A measure of capacity per unit of demand for a public service or facility. An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility.

Linear Block: That property abutting one side of a street between the two nearest intersecting or intercepting streets, natural barrier, or between such cross-street and the end of a dead end street or cul-de-sac. Where a street curves so that any two adjacent 100 foot chords thereof

form an angle of 120 degrees or less, measured on the lot side, such curve shall be construed as an intersecting street.

Livestock: Livestock includes but is not limited to poultry and hoofed animals such as cattle, horses, goats, sheep and swine; however, swine commonly referred to as Miniature, Vietnamese or Oriental Pot-Bellied pigs (*Sus scrofa vittatus*) shall not be considered livestock if the animals are no more than 18 inches in height, the owner has proof of registry with the International Potbellied Pig Registry (IPPR), and no more than two are kept at any household.

Loading Area: A space used to transfer goods and material between vehicles and a building or lot.

Local Street: Streets less than one mile in length that do not connect thoroughfares, or major traffic generators, and typically do not collect traffic from more than 100 dwelling units; or loop streets less than 2,500 feet in length.

Lot, Corner: A lot abutting two or more streets at their intersection.

Lot, Double-Frontage: A lot, other than a corner lot, with frontage on more than one street.

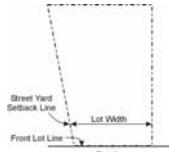
Lot, Flag: An irregularly shaped lot which has an appendage or extension which does not meet the lot width requirements of the district at the street.

Lot Area: The total area within the lot lines of a platted lot.

Lot of Record: Also called "lot" or "parcel", a parcel of land described by metes and bounds, or otherwise delineated by property boundary dimensions, on a plat recorded in the office of the appropriate Register of Deeds.

Lot, Through: See "Lot, Double-Frontage."

Lot Width: The distance between the side lot lines, measured along a straight line parallel to the front property line or parallel to the chord of the front property line at the street yard setback line or at the building line on flag lots or gore shape lots.



Lowest Adjacent Grade (LAG): means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Low Density Option: One of two approaches available for development in Watershed Protection Overlays that relies on non-structural means, specifically lower intensity limits, to minimize the risk of water pollution.

Mailed Notice: Either surface mail or e-mail, unless one is explicitly directed.

Major Local Street: Streets less than one mile in length that do not connect thoroughfares or major traffic generators that typically do not collect traffic from more than 250 dwelling units; or a loop street less than 2,500 feet in length.

Manufactured Home (Class A, B, C): A residential unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code and is composed of one or more

components, each of which was substantially assembled in a manufacturing plant designed to be transported to a site on its own chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. Within the text of this Ordinance, the term "manufactured home" shall only apply to Class A or B manufactured homes unless explicitly stated to include Class C manufactured homes. Class A and Class B are manufactured homes constructed after July 1, 1976 that meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction. Class C manufactured homes are manufactured homes that do not meet the definition of a Class A or Class B manufactured home. The term "manufactured home" does not include "recreational vehicles."

Manufactured Home Park: A residential development under single ownership with sites for manufactured homes of Class A or B and various other facilities for the residents of the development.

Manufactured Home Park or Manufactured Home Subdivision: When used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Marina: A dock or basin providing securing moorings for boats and supplies, boat repair or other facilities.

Market Value: The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value can be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Marquee: A permanent canopy projecting over an entrance.

Mass Grading: The grading of four acres or more at one time to prepare one or more lot(s) for construction.

Mausoleum: A building with places for entombment of the dead above ground.

Mean Sea Level: The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

Microbrewery: A brewery that produces less than 15,000 US barrels (460,000 US gallons) per year.

Micro-distillery: A distillery that produces no more than 50,000 US gallons per year. Other typical names include, but are not limited to, "craft distillery," "small batch distillery," and "artisan distillery."

Mining: The development or extraction of a mineral from its natural occurrences on affected land.

Mitigation (for wireless communications facilities): A modification to increase the height of an existing antenna support structure, or to improve the structural integrity of an existing support structure, or to replace or remove one or more antenna support structure(s) located in close proximity to a proposed new antenna support structure in order to encourage compliance with the Ordinance or improve aesthetics or functionality of the overall wireless network.

Mixed Use: A development that includes both residential and nonresidential uses as principal uses on the same development site. See paragraph 4.4.5 , Mixed Use, and paragraph 6.11.7, Mixed Use (MU).

Modular Unit or Modular House: A factory-fabricated, transportable building or dwelling in compliance with the North Carolina Building Code, that is designed to be used by itself or to be incorporated with other units into a structure that will be a finished building on a permanent location on a permanent foundation. A modular unit shall not be considered a or manufactured home for the purpose of this Ordinance.

Monopine or Faux Tree: A type of freestanding, wireless communication facility that is designed to resemble a tree. The support structure is attached to a foundation and is designed to support itself without the use of guy wires or other stabilization devices.

Monopole: A style of wireless support structure (tower) for a freestanding, wireless communication facility that is composed of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices, with a foundation that rests on or in the ground. Antennas and associated cables are not typically concealed within the shaft of the structure.

Multifamily: A residential use consisting of at least three dwelling units. As described in Sec. 7.1, Housing Types, includes: townhouse; multiplex; or apartment.

Multiplex: A building containing three or four individual dwellings with separate cooking facilities and toilet facilities for each dwelling.

Museums: Establishments for the display of art or historic or science objects.

Natural Erosion: The wearing away of the earth's surface by water, wind or other natural agents under natural environmental conditions undisturbed by man.

Natural Inventory. See Durham Inventory.

New Construction: When used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, structures for which the “start of construction” commenced on or after the effective date of the original version of the community’s Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.

Night Club: An establishment that stays open after 10:00 p.m. on weekends or on more than an occasional basis that offers food and beverages or entertainment or amusements. This definition includes but is not limited to establishments that serve beverages to persons aged 21 and older, dance halls, discotheques, and similar establishments. Excluded from this definition are restaurants that meet both the requirements established by definition in this Ordinance and in NCGS § 18B-1000(6), adult establishments, retail stores, convenience stores, clubs used by nonprofit organizations, lodges used by nonprofit organizations, theaters, health athletic facilities, and other indoor recreation uses where the serving of food or alcohol is accessory to the primary use.

Non-Encroachment Area: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

Non-Encroachment Area Fringe: The area within the special flood hazard area that is adjacent to, but not within, the non-encroachment area and is within the 100 year floodplain and is inundated by the base flood.

Noncommercial Sign: A sign which contains no message, statement, or expression related to commercial interests. Noncommercial signs include, but are not limited to, signs expressing political views, religious views, or information about and/or announcements of non-profit organizations related to their tax-exempt status.

Nuclear Material: Any natural or man-made material which undergoes radioactive decay, during which process it releases energy in the form of ionizing radiation; this also includes any mixture of materials which contains nuclear material.

Obstruction: When used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Office: A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature; including administration, record keeping, clerical work, and similar functions. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.

Opacity: The surface area of a fence, wall or buffer that is impenetrable to light when viewed perpendicularly to the plane of the fence, wall or buffer.

Open Space: Areas of a development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or house owners association. Public open space is open space owned by a governmental jurisdiction.

Orientation: The directional placement of a structure or element in relation to its surroundings, the street and other structures.

Outparcel: Individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.

Owner: Any person having charge of any real property according to the records held by the Register of Deeds.

Parcel: See "Lot of record."

Parent: means an affiliate that directly, or indirectly through one or more intermediaries, controls another person.

Park and Ride: Motor vehicle parking spaces to be occupied by vehicles left by individuals who transferred to other modes of transportation for the remainder of their trip to an off-site location (for example, a driver who transfers from a car to a bus, train, or carpool for the remainder of the trip to work or school).

Parking Block: A wheel stop.

Parking Lot: An area of land where vehicles are kept on a daily, overnight, or temporary basis; not to include the storage of wrecked or abandoned vehicles, vehicle parts, or the repair of vehicles.

Parking Space: A designated off-street area designed to accommodate the parking of one vehicle.

Passive Recreation: Recreational activities that do not require a developed site. This includes such activities as trails for walking, hiking, and horseback riding; and areas for picnicking.

Pedestrian Mall: A public or private, improved area intended for public pedestrian and non-motor use that is permanently preserved for such use through limited easements or rights of enforcement granted to the City, or other similar legal techniques.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

Personal Wireless Service: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

Pervious Paving: Surface improvements such as interlocking concrete paving blocks, brick pavers, grid pavers, or other similar improvements which permit the infiltration of water through the improved surface. Gravel shall not be considered a pervious paving surface.

Phase of Grading: One of two types of grading, rough or fine.

Philanthropic Institution: An organization distributing or supported by funds set aside for humanitarian purposes.

Pilot Plant: A building or operation in which processes planned for use in production elsewhere can be developed and/or tested, but not including the production of any goods on the premises primarily for sale or for use in production operations.

Place of Worship: A building primarily used by a non-profit organization for organized religious services and supporting uses.

Plant Unit: The measure of plant material required for 100 linear feet of buffer area to meet landscape requirements and ensure variety in buffer plantings.

Plat: A map, chart or plan of a tract or parcel of land which is to be or which has been, subdivided.

Playground: A constructed area designated for play and recreation typically for children, surfaced with material recommended by the most current safety handbook published by the U.S. Consumer Product Safety Commission, and consisting of play structures and equipment, including but not limited to, slides, swings, rockers, and climbing apparatus.

Podium: The initial portion of a building, beginning at ground level, specifically designed and articulated as the base or plinth of the building, above which the building steps back to greater height. Building podiums can vary from less than one story to several stories in height.

Podium Height: The initial height that a building can reach at the build-to line before upper story step-backs are required in a design district.

Porte Cochere: A roofed structure extending from the entrance of a building over an adjacent driveway and sheltering those getting in or out of vehicles.

Post-FIRM: Construction or other development which started on or after the effective date of the initial Flood Insurance Rate Map for the area.

Pre-FIRM: Construction or other development which started before the effective date of the initial Flood Insurance Rate Map for the area.

Preliminary Plat: A map indicating the proposed layout of a development and related information that is submitted for preliminary review.

Principal Use or Primary Use: The main use of land or buildings as opposed to a secondary or accessory use.

Principally Above Ground: At least 51 percent of the actual cash value of the structure is above ground.

Producer: A person or entity that makes a food or beverage, raises or produces farm products, or creates value-added farm products from farm products raised or produced on land that the person or entity farms.

Property Owner or Owner: The owner of a parcel of land as shown on the Durham County tax records.

Protective cover: See "ground cover."

Public Antenna-Supporting Structure: An antenna-supporting structure, appurtenances, equipment enclosures, and all associated ancillary structures used by a public body or public utility for the purposes of transmission and/or reception of wireless communication signals associated with but not limited to: public education, parks and recreation, fire and police protection, public works, and general government.

Public Art: A work of art in any medium that has been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outdoors and publicly accessible.

Public Facility: A building or area owned or used by any department or branch of the Durham City Government, Durham County Government, the State of North Carolina, or the Federal Government.

Public Park or Playground: A park or playground available to the general public.

Public Safety and/or Nuisance: When used in reference to Sec. 3.21, Floodplain Development Permit and Sec. 8.4, Floodplain and Flood Damage Protection Standards, means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Safety Communications Equipment: All communications equipment utilized by the City/County of Durham for the purpose of operation in the interest of the safety of the citizens of Durham and operating within the frequency range of 806 MHz and 1,000 MHz and future spectrum allocations at the direction of the FCC.

Public Utility: A business or service that provides the public with electricity, gas, water and sewer service, telephone or cable television service.

Radio Frequency Emissions: Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna-supporting structure, building, or other vertical projection.

Receiving Watercourse: A lake, natural watercourse or other natural or manmade area into which stormwater runoff flows from a land-disturbing activity.

Recreational Vehicle: A vehicle, which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently

towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle (RV) Park: Land used or intended to be used, let, or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents, or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not include trailer sales lots where unoccupied trailers are parked for inspection and sale.

Recycling Center: A building or an area where the primary activity is the separation of materials prior to shipment for remanufacture into new materials. This shall not include junkyards or wrecking yards.

Recycling Drop-Off Site: A site providing containers for the collection of recyclable materials, typically an accessory use. Recyclable materials are transported from the drop off site to another location for processing.

Reference Level: The top of the lowest floor for structures within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas designated as Zone AE, A, A99, AO, or X (Future).

Regulatory Flood Protection Elevation: The elevation above mean sea level to which the reference level of all structures and other development located within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas must be protected.

1. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard.
2. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least five feet above the highest adjacent grade.
3. In Future Conditions Flood Hazard Areas this elevation shall be the Future Conditions Flood Elevation plus two feet of freeboard.

Remedy a Violation: To bring a structure or other development into compliance with the requirements of this ordinance and, when appropriate, State requirements.

Repair Shop: A structure or area where the principal activity is the repair of equipment, and which is conducted in a totally enclosed building. This does not include vehicle repair.

Repetitive Loss: Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

Reservation: The withholding by a private entity of specific real estate from development pending acquisition by a public agency.

Residential District: Any zoning district with the "R" designation, (RR, RS-20, etc.), including the PDR District.

Residential Street: Streets less than one mile in length that do not connect thoroughfares or major traffic generators that typically do not collect traffic from more than 25 dwelling units; or a loop street less than 2,500 feet in length.

Restaurant: An establishment where food and drink are served as a principal activity, including the dispensing of food or drink to patrons who remain in vehicles.

Retail Stores and Shops: Establishments selling goods to the public for consumption but not for resale, usually in small quantities, as well as services incidental to the sale of these goods including the leasing or repairing of merchandise for public consumption.

Right-of-Way: A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, trail, or public utility.

Riverine: means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Roadside Stand: A structure (generally an open air structure) used for display and sale of products grown or produced on-site and the incidental sale of products from off-site. Sales are conducted on a temporary or seasonal basis.

Rooming House: A building other than a motel, hotel, bed and breakfast inn or boarding house, containing at least four, but not more than nine guest rooms. A rooming house shall not contain kitchen facilities within the guest rooms, and no meals are served to guests.

Root Protection Zone: The permeable land area around the base of a tree in which disturbances are prohibited in order to protect the roots of a tree and aid the trees survival. Root protection zones are measured as the greater of:

- A. Six-foot radius around the tree; or
- B. One-foot radius for every inch of dbh.

Rural Village - An area delineated on the Future Land Use Map, within the Rural Tier, that can include residential, commercial, office, institutional, and open space/recreation land uses.

Runoff: Water from precipitation that flows off a property.

Salvage Yard: Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Satellite Dish Antenna(s) (Satellite Earth Stations): A single or group of satellite parabolic (or dish) antennas. These dishes are mounted to a supporting device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment enclosures necessary for the transmission or reception of wireless communications signals with satellites.

School, Public or Private: A public or private institution offering a curriculum of education authorized by the State of North Carolina giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs integrated into the curriculum of a public or private school or that does not require daycare licensing by the State. However, this definition does not include day care facilities, preschools operating independent of a public or private school, individual instruction, or classes in a specialized subject.

School, Trade or Business: An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects;

Screening: The use of plant materials and other landscape or architectural elements used separately or in combination to obscure views.

Sediment: Solid particulate matter, both mineral and organic, that has been, or is being, transported by water, air, gravity or ice from its site of origin.

Sedimentation: The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

Setback: The minimum distance between a property line and a building or structure. Unless specifically noted in the text, ground level parking and security gatehouses can be located within the setback area.

Shopping Center: A group of retail businesses developed under a uniform development scheme and served by common off-street parking facilities.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trade marks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are legible from any public street or adjacent property and used to attract attention. This definition includes the structure or the face on which a sign message is displayed. For the purposes of this Ordinance, this definition shall not include "trade dress" i.e.: architectural features identified with a product or business, as a sign.

Sign Support or Bracing: The materials used to support and attach a sign to the ground, building, or other fixed location.

Siltation: Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

Single-Family: A residential use consisting of one dwelling unit per lot of record. As described in Sec. 7.1, Housing Types, includes: single-family detached house; zero lot line house; traditional house; patio house; or semi-attached house. Not to include manufactured housing.

Single-Loaded Street: A roadway serving property (street yard) on one side only with no need for access on the other side.

Site Area: The minimum area required for a particular type of development. The site may then be divided into smaller lots.

Site Plan: An accurately scaled development plan that shows existing conditions on a site as well as depicting details of proposed development.

Solid Waste Disposal Facility: Means, as defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

Solid Waste Disposal Site: Means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Solid Waste Facilities: Stationary solid waste collection containers, yard waste containers, recycling containers and roll-out containers for the above.

Special Flood Hazard Area (SFHA) or Area of Special Flood Hazard: The land in the floodplain subject to a one percent or greater chance of being flooded in any given year based on current conditions hydrology.

Specimen Tree: Any evergreen canopy tree 18 inches dbh or greater, any deciduous canopy tree 12 inches dbh or greater and any understory tree (deciduous or evergreen) eight inches dbh or greater, except any tree listed as a non-native invasive plant by the US Forest Service or

prohibited pursuant to in the *Landscape Manual for Durham, North Carolina*, also referred to as the *Landscape Manual*.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Storefront Window System: An architectural wall assembly of large glass panes framed in relatively thin metal members and typically used at the ground level of commercial buildings.

Storm Drainage Facilities: The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

Stormwater: The flow of water which results from precipitation and which occurs immediately following rainfall or snowmelt.

Stormwater Runoff: The direct runoff of water resulting from precipitation in any form.

Story: The horizontal division of a building made up of the space between two successive floors, or a floor and the roof.

Stream: means a body of concentrated flowing water in a natural low area or natural channel on the land surface.

Stream Buffer: A natural or vegetated area adjacent to a stream through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for the infiltration of runoff and filtering of pollutants.

Stream, Intermittent: Except under Sec. 8.5, Riparian Buffer Protection Standards, a watercourse that collects surface runoff and is shown as a dashed blue line on the most recent United States Geologic Survey (USGS) 7½-minute quadrangle topographic maps, is shown as an intermittent stream on the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as an intermittent stream on the Natural Resource Conservation Service (NRCS) maps.

Stream, Perennial: Except under Sec. 8.5, Riparian Buffer Protection Standards, a watercourse that collects surface runoff and is shown as a solid blue line on the most recent USGS 7½-minute quadrangle topographic maps, is shown as a perennial stream on maps in the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as a perennial stream on the Natural Resource Conservation Service (NRCS) maps.

Street Frontage: The boundary of a property adjacent to one side of a street.

Street Width: The horizontal distance between the side lines of a street, measured at right angles to the side lines.

Street, Private: An area intended for local vehicular traffic, owned and maintained by a private corporation, individual, or group of individuals.

Street, Public: An area for vehicular traffic that is dedicated to or maintained by a public agency.

Streetscape: The area between build-to lines of opposing properties intended for pedestrian and vehicular use, which may include public right-of-way and private property.

Strip Commercial: Intense commercial development extending along a roadway at a shallow depth along that roadway. It is typically characterized by multiple curb-cuts, unconnected vehicular use areas and a proliferation of signs.

Structure: A walled and roofed building that is principally above ground; a manufactured home; vertical projections meeting the definition of antenna-supporting or wireless support structures; or when used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, a gas or liquid storage tank that is principally above ground.

Stub Out: The extension of a street to an external property line to facilitate future roadway connection and reduce traffic impacts on the road network.

Subsidiary: An affiliate that is directly or indirectly through one or more intermediaries, controlled by another person.

Subdivisions: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) or any division of land involving the dedication of a new street or a change in existing streets.

Substantial Change: In regards to wireless communication facilities, a modification that substantially changes the physical dimensions of an existing tower or base station if it meets any of the criteria detailed in the *FCC Report and Order FCC14-153*, or as amended.

Substantial Damage: Damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement: Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) any project or improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

Substantial Quantities: An amount of hazardous materials equal to or exceeding the Threshold Planning Quantities listed in the provisions of the Resource Conservation and Recovery Act (RCRA); the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA); the Superfund Amendments and Reauthorization Act (SARA); or any subsequent amendments of these Acts. Where no Threshold Planning Quantities have been identified for a particular material, the

amount considered to be a substantial quantity shall be determined by the Director of Emergency Management or the Durham County Fire Marshall.

Support Equipment (WCF): Any and all devices utilized to attach or hold antennas, feed lines, or any related equipment to a WCF.

Telecommuting: A work arrangement in which an employee uses technology to perform assigned duties at home or at another site away from the traditional work site during some or all of regularly scheduled work hours, reducing or eliminating the employee's commute or travel to and from the traditional work site.

Ten-Year Storm: The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest, under average antecedent wetness conditions.

Twenty-Five Year Storm: The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

Theater: A building or structure which contains an assembly hall for the performing arts and/or for the showing of motion pictures.

Thoroughfare, Major: Major streets, excluding freeways but not excluding limited access facilities, that provide for the expeditious movement of large volumes of traffic within and through the urban area. These facilities are shown on the adopted Thoroughfare Plan.

Thoroughfare, Minor: Streets that perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Such streets can be used to supplement the major thoroughfare system by facilitating minor through movements and can also serve abutting property. They are identified on the adopted Thoroughfare Plan.

Tool Repair Shop: A structure or area where the principal activity is the repair of equipment, and which is conducted in a totally enclosed building. Vehicle repairs are a separate definition.

Towers for Transmitting and Receiving Electronic Signals: Structures whose principal function is to support communication antenna(s).

Townhouse: A building made up of three or more attached dwellings units when the units are lined up in a row and share side walls.

Tract: Contiguous land under one ownership or under multiple ownership either developed as a single unit or recorded as a single unit.

Transfer Station: A facility where waste materials from residences, commercial and industrial establishments are transferred to vehicles which will take the materials to a landfill or other disposal site.

Two-Family: A residential use consisting of two individual dwelling units on a single lot of record. This definition does not include a single-family dwelling with an accessory dwelling unit.

Ultimate Right-Of-Way: A line running more or less parallel to the centerline of certain existing or proposed streets for the purpose of determining future width as established by the officially adopted Thoroughfare Plan.

Uncovered: The removal of ground cover from, on, or above the soil surface.

Undertaken: The initiating of any activity, or phase of activity, which results, or will result, in a change in the ground cover or topography of a tract of land.

Unipole: A freestanding, wireless communication facility where the wireless support structure (tower) is composed of a single shaft usually made up of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices and the foundation rests on or in the ground. All antennas and associated components mounted onto the structure are completely concealed within the shaft of the structure.

University or College: An institution other than a trade school that provides full-time or part-time education beyond high school.

Upper Story Step-backs: The articulation of upper story height by recessing the building facades back from the build-to line to allow light and air access to street level.

Use: The purpose for which a building, structure, or area of land may be arranged or occupied or the activity conducted or proposed in a building, structure, or on an area of land.

Value-Added Farm Product: Any product processed by a producer from a farm product, such as, but not limited to, baked goods, jams, jellies, canned vegetables, dried fruit, syrups, salsa, salad dressings, flours, coffee, smoked or canned meat or fish, sausages, yogurt, cheese, or prepared foods.

Variance: A grant of relief to a person from the requirements of this Ordinance which permits construction or use in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

Vehicle Repair Shops: Buildings and premises where mechanical work, servicing, and repair of motor vehicles is conducted as the primary activity. Excluded from this definition are dwellings where not more than 2 vehicles owned by the lawful residents of the dwelling are repaired on-site.

Vehicle Service: Buildings and premises for uses such as alignment shops, auto body shops, auto paint facilities, auto upholstery shops, and towing service.

Vehicle Service, Limited: Buildings and premises for uses such as auto detailing, auto repair, battery sales and installation, fuel sales (other than with a convenience store), quick lubrication facilities, and tire sales and mounting.

Vehicle Storage Yard: A bulk and non-public holding facility for fleet vehicles, vehicles held for sale or repair, or the storage of operable or inoperable vehicles awaiting adjustment or settlement of insurance claims or motor vehicles that have been impounded by the police. No dismantling of vehicles is permitted.

Vehicles: All motorized vehicles as defined by the State of North Carolina Department of Motor Vehicles, including but not limited to: automobiles, trucks, buses, all terrain vehicles (ATVs) and motorcycles. This definition shall not include "Heavy Equipment" as defined elsewhere.

Velocity of Flow: The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

Vested Rights: The right of property owner to develop according to the terms of an approved site specific development plan or building permit even if the zoning or zoning district requirements are changed prior to development.

Violation: The establishment, creation, expansion, alteration, occupation or maintenance of any use, land development activity, or structure, including but not limited to signs and buildings, that is inconsistent with any provision of this Ordinance or any order, approval, or authorization issued pursuant to this Ordinance.

Waste: As used in Sec. 12.10, Sedimentation and Erosion Control, surplus materials resulting from onsite construction and disposed of at other locations.

Water Surface Elevation (WSE): When used in reference to Sec. 8.4, Floodplain and Flood Damage Protection Standards, the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water-Dependent Structure: A structure which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Watershed: All of the land area draining to a particular point on a water course or to a water body.

Way-Finding Signage Plan: A plan delineating unifying characteristics for way-finding signs associated within a development project or complex.

Way-Finding Sign: A sign designed to convey location and direction.

Wetlands: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly as hydrophytic vegetation, as defined by responsible State or Federal agencies.

Wireless Communications: Any personal wireless service, which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e. wireless internet services) and paging.

Wireless Communication Facility (WCF): Any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of one or more of the following components: a wireless facility, base station, equipment compound, and wireless support structure. Amateur wireless facilities, satellite dish antennas, and antenna-supporting structures, antennas and/or antenna arrays for TV/HDTV/AM/FM broadcasting transmission facilities shall be excluded from this definition.

Wireless Communication Facility, Attached: A wireless facility that is secured to an existing building with an accompanying pole or device which attaches it to the building and may be located either on the roof, inside, or outside of the existing building. An attached WCF can also be placed on utility poles, light poles, transmission towers, and other similar site features. An attached

wireless communications facility is considered to be an accessory use to the existing principal use on a site.

Wireless Communications Facility, Concealed: A wireless facility, wireless support structure, and WCF equipment compound that is designed to be camouflaged or hidden. A concealed facility is camouflaged if designed to appear as, for example but not limited to a church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole, or tree.

Wireless Communication Facility Equipment Compound: An area, surrounding or near the base of a wireless support structure, consisting of components of a wireless facility not mounted on a wireless support structure.

Wireless Communication Facility, Freestanding: A WCF that is composed of a wireless support structure (tower) and associated wireless facilities.

Wireless Facility: Also known as “transmission equipment,” it is the set of equipment and network components including antennas, transmitters, receivers, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services; but exclusive of the underlying structure or tower, as described in the *FCC Report and Order FCC14-153*, as amended.

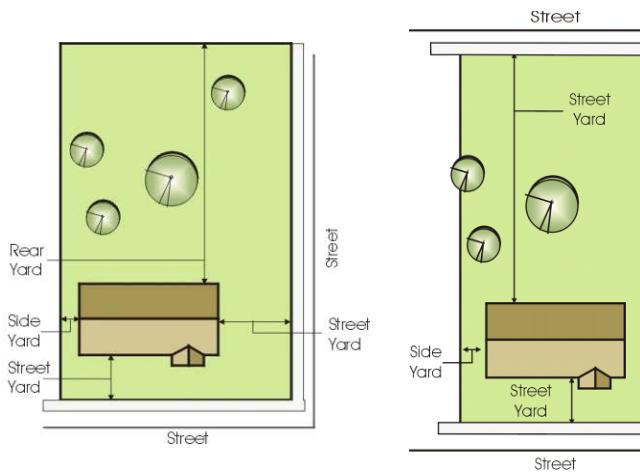
Wireless Support Structure: Also known as a “tower,” it is a structure that is solely designed and built for the primary purpose of supporting wireless facilities. A building or other fixed object not originally designed to support wireless facilities is not a wireless support structure.

Working Days: Days exclusive of Saturday, Sunday and (a) when used other than in reference to Sec. 3.8, Sedimentation and Erosion Control, and Sec. 12.10, Sedimentation and Erosion Control, legal holidays recognized by the City or County; or (b) when used in reference to Section 3.8 and 12.10, days during which weather conditions or soil conditions permit land-disturbing activity to be undertaken, as determined by the sedimentation and erosion control officer, or their designee, except where the context clearly indicates otherwise.

Yard: A space on the same lot with a building or group of buildings, which space lies between the building or group of buildings and the nearest lot line.

Yard, Rear: That portion of a yard between the required rear setback and the rear property line extending the full width of the lot between side lot lines. The rear yard width is measured perpendicular to the rear lot line. The rear yard shall be the yard on the opposing side of the primary structure from the main or primary entrance to the primary structure. No rear yard shall apply for triangular or pie-shaped lots where there is no rear property line.

Yard, Side: That portion of a yard between the required side setback and the side lot line extending from the street yard to the rear yard. The side yard width is measured perpendicular to the side lot line.



Yard, Street That portion of a yard extending between the edge of the street right-of-way (or easement, for private streets) and the required building placement; the portion of a lot adjoining a street as measured from the right-of-way. The street yard width is measured perpendicular to the street right-of-way. Corner lots and through lots shall be considered to have two street yards. A street yard does not exist adjacent to an alley.

Zero Lot Line: A detached dwelling unit positioned on one property line without any setback.